

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JAMES MEEKER,) CIVIL ACTION NO. _____
61 South Highland Ave.)
Akron, Ohio 44303)
PLAINTIFF,) JUDGE _____
vs.)
THE UNITED STATES OF) CIVIL COMPLAINT (FEDERAL TORT
AMERICA) CLAIM ACT)
U.S. Attorney for the Northern District)
of Ohio)
Attention: Civil Process Clerk)
801 West Superior Avenue; Suite 400)
Cleveland, Ohio 44113-1852

Attorney General of the United States
Department of Justice, Room 5111
10th & Constitution Ave. NW
Washington D.C. 20530

DEFENDANT.

COMPLAINT

Comes now the Plaintiff James Meeker, by and through counsel Ryan J. Melewski and Rafidi, Pallante and Melewski, LLC, and brings this action to obtain relief for the acts of the Defendant herein which caused physical and emotional damages to James Meeker because of the conduct of a Federal employee under the Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.*, and the laws of the State of Ohio. Plaintiff, for his Complaint against the Defendant, alleges as follows:

PARTIES

1. The Plaintiff, James Meeker (hereinafter "Plaintiff" or "Mr. Meeker") is a resident of Akron, Summit County, Ohio.

2. Rachel Hanley (hereinafter “DEA Agent Hanley”) is, upon information and belief, a resident of the State of Ohio, and at the time of the incident alleged herein, was an employee, representative or agent of the United States of America Drug Enforcement Administration acting within the course and scope of her federal employment.

JURISDICTION AND VENUE

3. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.
4. Plaintiff has suffered injuries and damages due to the wrongful actions of Defendant, and this action is a case of controversy over which this court has jurisdiction under Article III of the United States Constitution.
5. This is a civil action for damages arising under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671 *et seq.*, and the laws of the State of Ohio arising out of the acts or omissions of the Defendant, that occurred within the Northern District of Ohio.
6. The respective acts and omissions of DEA Agent Hanley, as alleged hereinafter, were conduct that was carried out by her within the course and scope of her individual position with the Drug Enforcement Administration, U.S Department of Justice and United States of America.
7. Jurisdiction is based on 28 U.S.C.A. § 1331, 28 U.S.C.A. § 1343, and 28 U.S.C.A. § 1367. This Court has jurisdiction over the state law claims.
8. This action arises pursuant to the Federal Tort Claims Act (“FTCA”) 28 U.S.C.A. § 1346(b) and 28 U.S.C.A. § 2671, et seq. The Court also has jurisdiction pursuant to 28 U.S.C.A. § 1346 and 28 U.S.C.A. § 2671.

9. Venue for this action properly lies in this District pursuant to 28 U.S.C.A. § 1331 and § 1343.

PREREQUISITES TO FILING SUIT

10. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.

11. Plaintiff has exhausted administrative remedies as set forth in the Federal Tort Claims Act.

12. On or about October 17, 2018, Plaintiff submitted a Standard Form 95 (SF-95") Claim for the Damage, Injury, or Death through the Drug Enforcement Administration.

13. On September 6, 2019, the Drug Enforcement Administration, through its Office of Chief Counsel, notified Mr. Meeker via U.S. Mail, Certified, that it was denying his claims under the Federal Tort Claims Act and advised him of his right to file suit directly under the Federal Tort Claims Act.

COUNT ONE – NEGLIGENCE

14. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.

15. On or about August 13, 2018, the Plaintiff James Meeker was operating his motor vehicle traveling west on Tallmadge Avenue in the City of Akron, Ohio (Summit County).

16. On or about August 13, 2018, DEA Agent Hanley was operating her motor vehicle traveling north on Gorge Boulevard in the City of Akron, Ohio (Summit County) and negligently, wantonly, and/or intentionally operated her vehicle causing it to collide with Plaintiff James Meeker's vehicle.

17. As a direct and proximate result of DEA Agent Hanley's actions and/or inactions, Plaintiff James Meeker suffered past and future economic and non-economic damages including

but not limited to medical bills, lost wages, lost earnings, pain and suffering, loss of enjoyment, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training or education, disfigurement, permanent injury, mental anguish and any other intangible loss.

18. Furthermore, Plaintiff James Meeker has suffered pain and will, with reasonable certainty, continue to so suffer in the indefinite future.

19. As a direct and proximate result of DEA Agent Hanley's negligence, Plaintiff James Meeker was required to obtain medical care for his injuries and he will with reasonable certainty, continue to require future medical care and treatment and pay additional sums therefore in the definite future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff James Meeker, prays for a Judgment of monetary damages, as set forth in this Complaint and as allowed by law, in an amount of Seventy-Five Thousand Five Hundred Dollars (\$75,500.00) that includes: compensatory damages in a sum consistent with the bodily injuries and mental anguish of Mr. Meeker; lost wages and the reasonably expected earning capacity of Mr. Meeker; conscious pain and suffering; emotional distress; sustained and ongoing medical bills for treatment; and all damages Plaintiff suffered for physical and emotional pain, emotional distress, hardship, shock, worry, agony, anxiety, sleeplessness, illness and trauma. Judgment for damages against the Defendant on all permitted theories of liability for the actions and omissions of it's employees, agents, and representatives that proximately caused or contributed to the injuries of Mr. Meeker; post judgment interest as provided by law; and for such further recovery and relief as this Court may deem just and equitable.

Respectfully submitted,

/s/ Ryan J. Melewski
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MARK A. RAFIDI (0070143)
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Canfield, Ohio 44406
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Attorney for Plaintiff

INSTRUCTIONS TO THE CLERK

Please serve a copy of the foregoing Complaint by U.S. Certified Mail to the Defendant at both of the addresses listed in the caption of this Complaint.

/s/ Ryan J. Melewski
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